



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2761
Examiner: Unassigned

FEE ENCLOSED: \$ / 30.00
Please charge any further
fee to our Deposit Account
No. 18-0002

In Re PATENT APPLICATION Of:

Applicants : James R. DeFrancesco et al.
Serial No. : 08/922,462
Filed : September 3, 1997
For : AUTOMATED CREDIT
APPLICATION SYSTEM

Attorney Ref. : CMSI 0003

) PETITION RE
) NOTICE OF
) INCOMPLETE
) APPLICATION
) TO ACCORD THE
) ORIGINAL FILING
) DATE

Office of the Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In further response to the Notice of Incomplete Application dated January 12, 1998, the Applicant hereby petitions that (1) the names of ALL of the inventors were not necessary for a filing date under 37 CFR 1.41, and/or in the alternative, (2) that the failure to name ALL of the inventors be excused and waived.

The petition fee of \$130.00 is enclosed. If missing or insufficient, please charge our deposit account 18-0002 and notify us accordingly.

POINT (1)

In support of (1), it is noted that the application was filed in the name of "James R. DeFrancesco et al." Mr. DeFrancesco is an inventor of the subject matter of the application. Therefore, the application was, in fact, filed "in the name of the actual inventor" in compliance with 37 CFR 1.41. Therefore, it is respectfully submitted that the application be accorded the original filing date of September 3, 1997.

POINT (2)

In support of (2), at the time of filing the application, it was clear that Mr. DeFrancesco was an inventor and that others had contributed to the invention. However, a complete list of inventors was not available at the time. Applicant on the other hand was desirous of an early filing date. At least some of the persons involved in the project that led to the invention at the company who could have made a contribution to the

invention were unavailable at the time the invention was filed, that is, out of the area and not available to review the application before filing.

Therefore, at the time of filing, it was known that Mr. DeFrancesco was an actual inventor and that one or more other individuals had contributed to the invention, but these other individuals had not been identified and their actual contribution established.

If the application had been filed in the name of Mr. DeFrancesco alone, this could have been regarded as misleading. It was applicant's intention not to mislead the U.S. P. T. O. by implying that only Mr. DeFrancesco was the inventor. If the application had been filed in the name of Mr. DeFrancesco without the "et al.," this could have been construed as misleading. If filed in the name of Mr. DeFrancesco only, it would have been necessary to correct the inventorship - however it is not clear that such would that have been "an error without deceptive intent" as required by the rules regarding correction of inventorship.

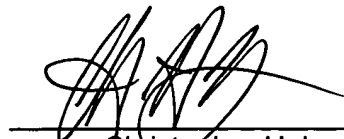
It is also noted that the U. S. P. T. O. has now changed and liberalized the rules in this regard so that naming an inventor is not a requirement when filing an application under 37 CFR 1.53, and need only be provided when filing an oath or declaration. It is submitted that this change in the rules supports a granting of this petition, since it indicates the U.S. P. T. O. has determined that the requirement of naming an inventor at the time of filing is unnecessary. It is submitted that if it is unnecessary now, it was also unnecessary or at least excusable on September 3, 1997.

CONCLUSION

In view of the above, it is respectfully submitted that this petition be granted and the application accorded the filing date of September 3, 1997, based on either point (1) or point (2), or both, above.

Respectfully submitted,

Date: 1-21-98



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